

RESPONSE UNDER 37 C.F.R. § 1.116

EXPEDITED PROCEDURE – Art Unit 1725

Attorney Docket No. 108298729US

Disclosure No. 03-0061.00/US

REMARKS

Claims 2-9, 11, 13-17, 19, 21-23, 25-40, 42, 44 and 45 are presently pending in this application. Claims 1, 10, 12, 20, 24, 41 and 43 have been canceled without prejudice, and claims 2-9, 11, 13-17, 19, 22, 23, 25-29, 42, 44 and 45 have been amended in this response. More specifically, claims 4, 7, 13, 25 and 42 have been rewritten in independent form, and claims 2, 3, 5, 6, 8, 9, 11, 14-17, 19, 22, 23, 26-29, 44 and 45 have been amended to depend from allowable claims.

In the Final Office Action mailed September 7, 2006, claims 1-3, 5, 6, 8-12, 14-17, 19, 20, 22-24, 28, 29, 41 and 43-45 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 1, 3, 5, 6, 8-10, 12, 14-17, 19, 20, 22-24, 28, 29, 41, 43 and 44 were rejected under 35 U.S.C. § 103(a) over the combination of Japanese Patent Publication No. 2000323517 to Ihara ("Ihara") and Japanese Patent Publication No. 361014817 to Tominaga ("Tominaga");
- (B) Claims 2 and 11 were rejected under 35 U.S.C. § 103(a) over the combination of Ihara, Tominaga, and U.S. Patent No. 6,784,394 to Nishiura ("Nishiura");
- (C) Claim 45 was rejected under 35 U.S.C. § 103(a) over the combination of Ihara, Tominaga, and U.S. Patent No. 3,553,417 to Smith et al. ("Smith");
- (D) Claims 4, 7, 13, 21, 25-27 and 42 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include the features of the claims from which they depend; and
- (E) Claims 30-40 were allowed.

A. Response to the Section 103(a) Rejection over Ihara and Tominaga

Claims 1, 3, 5, 6, 8-10, 12, 14-17, 19, 20, 22-24, 28, 29, 41, 43 and 44 were rejected under 35 U.S.C. § 103(a) over the combination of Ihara and Tominaga. Claims 1, 10, 12, 20, 24,

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41 and 43 have been canceled and therefore the rejection of these claims is now moot. Claims 3, 5, 6, 8, 9, 14-17, 19, 22, 23, 28, 29 and 44 have been amended to depend from claims that were indicated to be allowable. Therefore, the Section 103(a) rejection of these claims should be withdrawn.

B. Response to the Section 103(a) Rejection over Ihara, Tominaga, and Nishiura

Claims 2 and 11 were rejected under 35 U.S.C. § 103(a) over the combination of Ihara, Tominaga, and Nishiura. Claims 2 and 11 have been amended to depend from claims 7 and 13, respectively, which were both indicated to be allowable. Therefore, the Section 103(a) rejection of claims 2 and 11 should be withdrawn.

C. Response to the Section 103(a) Rejection over Ihara, Tominaga, and Smith

Claim 45 was rejected under 35 U.S.C. § 103(a) over the combination of Ihara, Tominaga, and Smith. Claim 45 has been amended to depend from claim 42, which was indicated to be allowable. Therefore, the Section 103(a) rejection of claim 45 should be withdrawn.

D. Response to Claim Objections

Claims 4, 7, 13, 21, 25-27 and 42 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include the features of the claims from which they depend. Claims 4, 7, 13, 21, 25 and 42 have been amended accordingly and therefore the objection to these claims should be withdrawn. Claims 26 and 27 have been amended to depend from claim 25. Therefore, the objection to claims 26 and 27 should be withdrawn.

E. Indication of Allowable Subject Matter

Although the applicants' attorney agrees with the Examiner's conclusion that claims 30-40 are allowable, the applicants' attorney notes that the claims may be allowable for reasons other than those identified by the Examiner and does not concede that the Examiner's characterization of the terms of the claims and the prior art are correct.

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F. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicant accordingly requests reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned representative at (206) 359-6465.

Respectfully submitted,

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